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What You Should Know About the "Right of Return"

Arab refugees were neither hapless targets nor innocent bystanders. The first stage of the 1948 war was a fierce interethnic or anti-Zionist civil war in which Palestinian Arabs were the aggressors and the initiators - and there is UN Res. 194.

Contact Editor Eli E. Hertz, 12/10/12 09:31



Arab Refugees from Arab Countries – 1950 Palestinian Arab Refugees – 1950

Resolution 194, adopted by the UN General Assembly on December 11, 1948, addressed a host of issues, but only one paragraph out of 15 dealt with refugees created by the conflict. Resolution 194 attempted to create the tools required to reach a truce in the region. It established a conciliation commission with representatives from the United States, France and Turkey to replace the UN mediator. The commission was charged with achieving "a final settlement of all questions between ... governments and authorities concerned." The Resolution's "refugee clause" is not a standalone item, as the Arabs would have us think, nor does it pertain specifically to Palestinian Arab refugees.

Of the 15 paragraphs, the first six sections addressed ways to achieve a truce; the next four paragraphs addressed the ways that Jerusalem and surrounding villages and towns should be demilitarized, and how an international zone or jurisdiction would be created in and around Jerusalem. The resolution also called on all parties to protect and allow free access to holy places, including religious buildings.

One paragraph has drawn the most attention: Paragraph 11, which alone addressed the issue of refugees and compensation for those whose property was lost or damaged. Contrary to

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Eli E. Hertz

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at all refugees, both Jewish and Arab. Instead, Resolution 194 recommended that refugees be allowed to return to their homeland if they met two important conditions:

1. That they be willing to live in peace with their neighbors.
2. That the return takes place "at the earliest practicable date."

The resolution also recommended that for those who did not wish to return, "Compensation should be paid for the property ... and for loss of or damage to property" by the "governments or authorities responsible."

Although Arab leaders point to Resolution 194 as proof that Arab refugees have a right of return or be compensated, it is important to note that the Arab States: Egypt, Iraq, Lebanon, Saudi Arabia, Syria, and Yemen voted against Resolution 194. Israel is not even mentioned in the resolution. The fact that plural wording also is used – "governments or authorities" – suggests that, contrary to Arab claims, the burden of compensation does not fall solely upon one side of the conflict.

Because seven Arab armies invaded Israel, Israel was not responsible for creating the refugee problem. When hundreds of thousands of Arab Jews, under threat of death, attack and other forms of persecution, were forced to flee Arab communities, the State of Israel absorbed the overwhelming majority of them into the then-fledgling nation.

The Forgotten Jewish Refugees

For a host of reasons – practical to parochial – Israel has until recently failed to raise the issue of the mammoth injustice done to almost a million Jews from Arab countries. The scale and premeditated state-sponsored nature of persecution that prompted the 1948 flight of close to 900,000 Jews from their homes has only recently begun to emerge.

Arab publicists have sought to detach entirely the flight of Jews from Arab lands from the Arab-Israeli conflict, claiming they are two separate phenomena, and that Israelis should take up the issue with each respective Arab state that was involved, not with the Palestinian Arabs.

Clearly, this is an attempt to rewrite history. One only needs to reexamine the almost prophetic article in *The New York Times* two days after Israel declared independence ("Jews in Grave Danger in all Moslem Lands") to confirm the tie. *The New York Times* reported on May 16, 1948:

"For nearly four months, the United Nations has had before it, an appeal for 'immediate and urgent' consideration of the case of the Jewish populations in Arab and Moslem countries stretching from Morocco to India."

NY Times, May 16, 1948: "The very survival of the Jewish communities in certain Arab and Moslem countries is in serious danger, unless preventive action is taken without delay."

The New York Times country-by-country table estimated the Jewish population-at-risk as 899,000 people. The article cited the dismissal of Jews in the civil service in Syria, per capita ransom payment of \$20,000 by Iraqi Jews seeking to leave Iraq, a forced levy on the Lebanese Jewish community to support the Arab war effort parallel to incitement and physical attacks on Jews, and Jews fleeing to India from Afghanistan. It quoted the UN Economic and Social Council report as saying:

"The very survival of the Jewish communities in certain Arab and Moslem countries is in serious danger, unless preventive action is taken without delay."

Hostility and oppression only grew, ultimately leading to the exodus of almost all Jews from all Arab and Moslem countries from Casablanca to Karachi.

How and Why Did Palestinian Arabs Leave, and Who Was Responsible?

It is important to set the historical record straight: The overwhelming majority of Palestinian Arab refugees left what was then the newly established State of Israel of their own accord

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events set the stage for the forcible expulsion of countless other Palestinian Arabs from Jewish-held areas. That military necessity resulted after seven Arab armies invaded western Palestine with the goal of exterminating the newly born State of Israel.

Of their own accord, an estimated 600,000 Palestinian Arabs fled a war zone, which their leaders had created. An estimated 250,000 to 300,000 of those refugees in 1948 left even before their homes became part of a war zone.

The human tragedy of being uprooted notwithstanding, Arab refugees were neither hapless targets nor innocent bystanders. The first stage of the 1948 war was a fierce interethnic or anti-Zionist civil war in which Palestinian Arabs were the aggressors and the initiators; the second half was an all-out war involving regular Arab armies, whose participation the Palestinian Arabs engineered.

The violent path that Palestinian Arabs chose – and the ensuing fear, disorientation, and economic deprivation of war – led to their own collective undoing.

The Collapse of Palestinian Society and Mass Flight

What caused the collapse of Palestinian Arab society? In part, it was the absence of an alternative Arab infrastructure after the British pulled out from Palestine. In addition, serious cleavages dating to Ottoman times existed in local Arab society.

Because Palestinian Arab society had been so dependent on British civil administration and social services, Britain's departure left Arab civil servants jobless. As a result, most social services and civil administration ceased to function in the Arab sector, disrupting the flow of essential commodities such as food and fuel, which added to the hardships, the uncertainty, and the dangers.

In contrast, Jewish society in Palestine, or the Yishuv as it was called in Hebrew, had established its own civil society over the span of three decades under the British Mandate. The Yishuv created its own representative political bodies and social and economic institutions, including health and welfare services, a public transport network, and a thriving sophisticated marketing system for manufactured goods and food – in short, a state-in-the-making. It was best described by the 1934 British report to the League of Nations:

“During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs, an elected assembly for the direction of its domestic concerns, elected councils in the towns, and an organisation for the control of its schools.

“It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organisations, its own language, its own customs, its own life, has in fact ‘national’ characteristics.”

And as time passed:

“Those characteristics have been strengthened and magnified in the course of the following twelve years. To-day there are in Palestine almost 300,000 Jews. There is a constantly flowing stream of men and money, new industries are being established, citriculture is expanding, new settlements are springing up, towns are being enlarged by suburb after suburb.”

During that same period, the Arabs in Palestine, however, had invested all of their energies into fighting any form of Jewish polity-in-the-making. Although the British encouraged creation of an Arab Agency parallel to the Jewish Agency that had orchestrated and financed development of the Jewish sector, a similar Arab organization failed to develop.

So it was no surprise that when the British departed, the Palestinian Arabs remained unorganized and ill-prepared not only for statehood (which they rejected in any case), but also

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"Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

"Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations."

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